

**REMARKS**

Claims 1-10 are pending in the application.

Claims 1 and 2, drawn to a method for operating an internal combustion engine, are amended to make the claim language more clear.

Claim 8, drawn to an internal combustion engine, is amended to include the limitations of claim 1 so that claim 8 recites an internal combustion engine corresponding to the method of operating an internal combustion engine recited in claim 1.

Claims 9 and 10, drawn to a control unit for an internal combustion engine and a piece of software for a stored program for a control unit for an internal combustion engine, respectively, are amended to include the limitations of claim 1.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 1-7 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph.

Applicant believes that claims 1-7, as amended, overcome the rejections of these claims under 35 U.S.C. 112, second paragraph, and respectfully requests that these claims be allowed.

Claims 8, 9, and 10 are amended to include the limitations of claim 1. Accordingly, Applicant believes that these claims are also in condition for allowance.

### **Claims Rejections 35 U.S.C. 112**

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph. Claims 1, 2, and 5 are rejected over the usage of terms such as "or" and "and/or" in such a way as to render the terms unclear. Claims 9 and 10 are rejected because it is not clear whether they recite dependent or independent claims.

Claim 1 is amended to change "one of individual or successive piston strokes" to "one of individual ~~or~~ and successive piston strokes." Claim 2 is amended to change "when the engine speed falls below a minimum speed and/or the injection quantity falls below a minimum quantity" to "when one of the engine speed falls below a minimum speed ~~and/or~~ and the injection quantity falls below a minimum quantity." Applicant believes that claims 1 and 2, as amended, are not indefinite.

Regarding claim 5, Applicant argues that the claim is clear and definite in reciting that "the high-pressure pump (18) ... is operated in the partial delivery mode when the quantity control valve (44) is intermittently or continuously open. In other words, when the quantity control valve is intermittently open or continuously open, the high-pressure pump is operated in the partial delivery mode.

In view of the amendment to the claims and the foregoing arguments, Applicant respectfully requests that the rejections of claims 1-10 under 35 U.S.C. 112, second paragraph, be withdrawn.

### **Claims Rejections 35 U.S.C. 102**

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 802 322. The Examiner's rejection has been carefully considered.

The cited reference discloses an injector system including a common rail for accumulating pressurized fuel. The injector system includes a high pressure supply pump and a control unit that controls the opening and closing of a control valve. Depending on the load on the engine, the valve is opened or closed for the entire duration of each stroke for which delivery is possible. The number of times the fuel is delivered to the common rail for each rotation of the engine is adjusted according to engine load.

Claim 8, as amended, recites an internal combustion engine equipped with a high pressure pump that functions in a two-point operation, alternating between full delivery for one of individual and successive piston strokes and idle delivery for one of individual and successive piston strokes. According to present claim 8, the full delivery from a low pressure side to a high pressure side is activated when the pressure on the high pressure side falls below a lower pressure threshold. The full delivery is then active until an upper threshold pressure is reached.

EP 0 802 322 does not disclose, teach, or suggest the use of a lower pressure threshold or a higher pressure threshold to control individual or successive piston strokes. Accordingly, Applicant respectfully requests that the rejection of claim 8 as being anticipated by EP 0 802 322 be withdrawn.

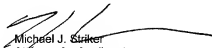
Claims 9 and 10, as amended, include the limitations of claim 1. Consequently, these claims are also not anticipated by EP 0 802 322.

### **Conclusion**

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call

in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", is written over the printed name.

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